



IDAHO STATE DEPARTMENT OF EDUCATION

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2008-2009

Title III – Language Instruction for Limited English Proficient (LEP) and Immigrant Students and Idaho State LEP Program Assurances and Certifications.

Assurances.

The applicant, pursuant to Title III of the No Child Left Behind Act of 2001 (NCLB), 20 U.S.C. § 6801 *et seq.*, and the Idaho State LEP Program, Civil NO. 79-1068 Consent Decree and House Bill No. 787 (2004), hereby agrees to the following assurances and certifications-

- (1) Each included program will be administered in accordance with all applicable statutes, regulations, program plan and applications;
- (2) (A) The control of funds provided under each program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe; and
(B) The public agency, nonprofit private agency, institution, or organization, or Indian tribe will properly administer the funds and property as required by the authorizing statutes;

The applicant will -

- (3) Cooperate in carrying out any evaluation of each program conducted by or for the State Educational Agency, the U.S. Secretary of Education, or other Federal officials;
- (4) Submit such reports to the State Educational Agency, which may make the reports available to the Governor or to the public, and the U.S. Secretary of Education as the State Educational Agency and the U.S. Secretary of Education may require to enable the State Educational Agency and the U.S. Secretary of Education to perform their duties under Title III and the Idaho State LEP Program;

(5) Maintain such records, provide such information, and afford such access to the records as the State Educational Agency or the U.S. Secretary of Education may reasonably require to carry out the duties of the State Educational Agency and the U.S. Secretary of Education;

(6) Use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and separate accounting for, federal and state funds paid to the applicant under each such program;

(7) Adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(8) Certify that the school district has no policy that would prevent, or otherwise deny participation in, constitutionally protected prayer in public elementary and secondary schools as set forth in the Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools issued by the United States Department of Education dated February 7, 2003;

(9) Comply with the nondiscrimination provisions relating to programs and activities receiving federal financial assistance as contained in Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*, prohibiting discrimination on the basis of race, color, or national origin; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, prohibiting discrimination on the basis of handicap; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*, prohibiting discrimination on the basis of sex; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, prohibiting discrimination on the basis of age; and all regulations, guidelines, and standards lawfully adopted under the above statutes by the U.S. Department of Education.

The applicant ensures –

(10) That before the Application, which included an LEP District Plan, was submitted, the applicant consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing the Application and afforded a reasonable opportunity for public comment and consultation on the Application and considered such comment;

(11) That English proficiency of LEP students participating in LEP programs is assessed annually;

(12) That the proposed Application and annual updates are based on scientifically based research on teaching LEP children;

(13) Compliance with parental notification specified in section 3302 of NCLB;

(14) That Federal funds will be used for both public and private school participation in district LEP programming, while State funds will be used only for public school participation.

(15) That non-federal funds will not be supplanted by Federal funds made available under the authority of Title III.

(16) That programs will enable children to speak, read, write and comprehend the English language and meet challenging State academic content and student academic achievement standards;

(17) That the Local Educational Agency (LEA) is not in violation of any State law, including State constitutional law, regarding the education of LEP children;

(18) That all teachers in any language instruction educational program for LEP children that is or will be funded under Title III or State funding are fluent in English and any other language used for instruction, including having written and oral communication skills;

(19) That it will implement its local Application addressing the requirements of Title III-A, in accordance with the provisions of Title III of NCLB.

Certification.

As superintendent or other legally authorized school district official, I hereby certify that, to the best of my knowledge, the information contained in these Assurances and the Application is true and correct. I further certify that the district will comply with the Assurances required by the programs covered in the Application, that the governing body of the school district has duly authorized this document, and that I am legally authorized by the school district to sign and file this document.

District Name and No _____

Typed name of Superintendent _____

Signature of Superintendent _____

Date Submitted _____